

RECEIVED  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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09 CIV 7952

*Attorneys for Plaintiff Microsoft Corporation*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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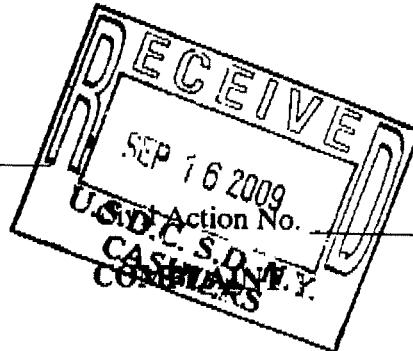
MICROSOFT CORPORATION,

Plaintiff,

v.

INNOVATION INTERACTIVE LLC, a New  
York foreign limited liability company,

Defendant.



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Plaintiff Microsoft Corporation ("Microsoft"), by its undersigned attorneys, K&L Gates LLP, for its Complaint against Innovation Interactive LLC ("Defendant") alleges as follows:

#### **I. JURISDICTION AND VENUE**

1. This is a complaint for an injunction, damages and other appropriate relief to stop Defendant from infringing Microsoft's trade and service marks by registering Internet domain names that are identical or confusingly similar to Microsoft's trademarks and service marks, and by using those domain names in bad faith to profit from Microsoft's marks.

2. In this action, Microsoft asserts violations of the Anticybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d); of Sections 32 and 43 of the Lanham Act, 15 U.S.C. § 1114(1) (Trademark Infringement); 15 U.S.C. § 1125(a) (False Designation

of Origin, Unfair Competition/False Advertising); of New York statutory deceptive acts and practices law (General Business Law § 349); and of New York common law (trademark infringement and unfair competition).

3. This court has subject matter jurisdiction over Microsoft's claims pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338.

4. This court has supplemental jurisdiction over the claims in this Complaint that arise under the common law and the statutory law of the state of New York pursuant to 28 U.S.C. § 1337(a), because the state law claims are so related to the federal claims that they form part of the same case or controversy and derive from a common nucleus of operative facts.

5. This court has personal jurisdiction over Defendant who has: (a) committed intentional and tortious acts within the state; (b) conducted substantial business within this state related to the unlawful activity at issue in this Complaint; and (c) resides within this state.

6. Venue is proper in this court pursuant to 28 U.S.C. § 1331 because Defendant resides within this judicial district, conducts substantial business within this judicial district related to the unlawful activity at issue in this Complaint and because a substantial part of the events or omissions giving rise to the claim occurred in this judicial district.

## II. THE PARTIES

7. Plaintiff Microsoft is a Washington corporation with its principal place of business in Redmond, Washington.

8. Defendant Innovation Interactive LLC is a New York registered foreign limited liability company with its principal place of business at 28 West 23rd Street, 6th floor, New York, NY 10010.

### **III. MICROSOFT'S BUSINESS AND TRADEMARKS**

9. Microsoft is a world leader in the market for software and related products. Microsoft offers a wide range of products and services, including but not limited to computer software such as the Microsoft Windows operating system and Microsoft Office; computer hardware and accessories including keyboards and mice; gaming systems such as the Microsoft XBOX and Microsoft XBOX 360; and Internet service and electronic mail services such as the MSN and Windows Live Hotmail services, to name a few.

10. Microsoft owns registrations for a number of trademarks and service marks that it uses to identify its products and services in the marketplace. Among the marks owned by Microsoft are the following registered marks (collectively the "Microsoft Marks"): ACTIVE DIRECTORY; HOTMAIL; MICROSOFT; MSN; OUTLOOK; WINDOWS; WINDOWS MEDIA; WINDOWS XP; XBOX; and XBOX360.

11. Since at least September 1997, Microsoft has used in commerce the trademark "ACTIVE DIRECTORY" to promote computer software, namely network operating system programs.

12. On May 6, 1998, Microsoft applied to register the ACTIVE DIRECTORY mark and on February 20, 2001, the United States Patent and Trademark Office issued Registration No. 2,430,254 to Microsoft for the ACTIVE DIRECTORY mark. *See*

Exhibit A. The ACTIVE DIRECTORY mark is broadly recognized as a brand identifier for Microsoft's computer software, namely network operating system programs.

13. Since at least July 4, 1996, Microsoft's predecessor has used in commerce the service mark "HOTMAIL" to promote electronic mail services as well as promoting the goods and services of others by placing advertisements and promotional displays in an electronic site accessed through computer networks and by delivering advertisements and promotional materials to others via electronic mail.

14. On April 10, 1997, Microsoft's predecessor applied to register the HOTMAIL mark, and on June 16, 1998, the United States Patent and Trademark Office issued Registration No. 2,165,601 to Microsoft's predecessor for the HOTMAIL mark.

*See Exhibit B.* The HOTMAIL mark is broadly recognized as a brand identifier for Microsoft's electronic mail services as well as promoting the goods and services of others by placing advertisements and promotional displays in an electronic site accessed through computer networks and by delivering advertisements and promotional materials to others via electronic mail.

15. Since at least November 1975, Microsoft has used in commerce the trademark/service mark "MICROSOFT" to promote its products and services.

16. On October 22, 1979, Microsoft's predecessor applied to register the MICROSOFT mark and on July 6, 1982 the United States Patent and Trademark Office issued Registration No. 1,200,236 to Microsoft's predecessor for the MICROSOFT mark. The MICROSOFT mark is also the subject of United States Trademark Registration Nos. 1,256,083, 1,689,468, 2,250,973, 2,337,072 and others. *See Exhibit C.* Microsoft's

MICROSOFT mark is broadly recognized as identifying plaintiff Microsoft and its various products and services.

17. Since at least March 7, 1995, Microsoft has used in commerce the trademark / service mark “MSN” to promote computer hardware and software products, and electronic communications services.

18. On October 30, 1995, Microsoft applied to register the MSN mark, and on March 11, 1997, the United States Patent and Trademark Office issued Registration No. 2,043,004 to Microsoft for the MSN mark. The MSN mark is also the subject of United States Trademark Registration Nos. 2,131,644, 2,201,105, 2,418,517 and others. *See* Exhibit D. The MSN mark is broadly recognized as a brand identifier for Microsoft’s hardware and software products, and electronic communications services.

19. Since at least January 1, 1997, Microsoft has used in commerce the trademark “OUTLOOK” to promote computer software and electronic communications services.

20. On February 5, 1996, Microsoft filed an “intent to use” application to register the OUTLOOK mark. Based upon actual use beginning in January 1997, the United States Patent and Trademark Office issued Registration No. 2,188,125 to Microsoft on September 8, 1998 for the OUTLOOK mark. *See* Exhibit E. The OUTLOOK mark is broadly recognized as a brand identifier for Microsoft’s computer software and electronic communications services.

21. Since at least October 18, 1983, Microsoft has used in commerce the trademark / service mark “WINDOWS” to promote computer hardware and software products, and other electronic services.

22. On August 20, 1990, Microsoft applied to register the WINDOWS mark, and on January 10, 1995 the United States Patent and Trademark office issued Registration No. 1,872,264 to Microsoft for the WINDOWS mark. The WINDOWS mark is also the subject of United States Trademark Registration Nos. 1,989,386, 2,005,901, 2,463,509, 2,463,510, 2,463,526 and others. *See Exhibit F.* The WINDOWS mark is broadly recognized as a brand identifier for Microsoft's software and hardware products and for other electronic services.

23. Since at least July 1998, Microsoft has used, in commerce, the trademark / service mark "WINDOWS MEDIA" to promote computer software for use in the creation, delivery, playing and viewing of video, graphic, audio, text, computer programs and other data over global computer and communications networks.

24. On July 13, 1998, Microsoft applied to register the WINDOWS MEDIA mark, and on January 8, 2002 the United States Patent and Trademark Office issued Registration No. 2,528,008 to Microsoft for WINDOWS MEDIA. The WINDOWS MEDIA mark is also the subject of United States Trademark Registration Nos. 2,601,424 and 2,635,678. *See Exhibit G.* The WINDOWS MEDIA mark is broadly recognized as a brand identifier for Microsoft's computer software for use in the creation, delivery, playing and viewing of video, graphic, audio, text, computer programs and other data over global computer and communications networks.

25. Since at least March 14, 2001, Microsoft has used in commerce the trademark / service mark "WINDOWS XP" to promote operating systems and related products.

26. On January 19, 2001, Microsoft filed an "intent to use" application to register the WINDOWS XP mark. Based upon actual use beginning in March 2001, the United States Patent and Trademark Office issued Registration No. 2,640,353 to Microsoft on October 22, 2002 for the WINDOWS XP mark. The WINDOWS XP mark is also the subject of United States Trademark Registration Nos. 2,640,357, 2,691,662, 2,705,442 and others. *See Exhibit H.* The WINDOWS XP mark is broadly recognized as a brand identifier for Microsoft's operating system and related products.

27. Since at least December 1998, Microsoft has used in commerce the trademark / service mark "XBOX" to promote video game software and hardware and related products, including the Xbox home entertainment system.

28. On October 18, 1999, Microsoft applied to register the XBOX mark, and on November 5, 2002, the United States Patent and Trademark Office issued Registration No. 2,646,465 to Microsoft for the XBOX mark. The XBOX mark is also the subject of United States Trademark Registration Nos. 2,663,880, 2,730,847, 2,775,859, 2,786,794, 2,792,744 and others. *See Exhibit I.* The XBOX mark is broadly recognized as a brand identifier for Microsoft's entertainment products.

29. Since at least November 22, 2005, Microsoft has used in commerce the trademark "XBOX 360" to promote interactive game devices.

30. On May 12, 2005, Microsoft applied to register the XBOX 360 mark, and on June 12, 2007, the United States Patent and Trademark Office issued Registration No. 3,252,556 to Microsoft for the XBOX 360 mark. The XBOX 360 mark is also the subject of United States Trademark Registration No. 3,300,210. *See Exhibit J.* The

XBOX 360 mark is broadly recognized as a brand identifier for Microsoft's interactive game devices.

31. The Microsoft Marks, as well as others owned by Microsoft, are used in interstate commerce in connection with the sale, offering for sale, distribution, and advertising of Microsoft's products and services. The Microsoft Marks are distinctive and were distinctive at the time of all acts alleged herein. As a result of Microsoft's substantial investment, the Microsoft Marks have developed extensive goodwill in the market. Accordingly, the Microsoft Marks are extremely valuable to Microsoft.

#### **IV. MICROSOFT'S INTERNET PRESENCE**

32. Microsoft also maintains a substantial presence on the Internet. Via the Internet, Microsoft advertises its products and services, transacts business with its customers, offers its customers access to many of its services, and provides product support, among other things.

33. In order to provide its customers with easy access to its online products and services, Microsoft has registered a number of Internet domain names. Many of these domain names correspond to Microsoft's trademarks and service marks. Examples of such domain names are <microsoft.com>; <microsoftwindows.com>; <xbox.com>; <msn.com>.

34. Each of these domain names, as well as others registered to Microsoft, resolves to a Microsoft-created website that provides Microsoft's customers with information related to Microsoft's products and services. These websites generate business for Microsoft and allow Microsoft to maintain relationships with its customers.

## V. DEFENDANT'S UNLAWFUL ACTIONS

35. Defendant is the registrant, trafficker, and user of numerous Internet domain names that contain or consist of Microsoft's marks and/or intentional misspellings of Microsoft's marks. These domain names are hereinafter referred to as the "Infringing Domain Names." A representative, though not necessarily exhaustive, list of Defendant's 27 Infringing Domain Names is attached hereto as **Appendix A**.

36. Many of the Infringing Domain Names resolve to websites that are controlled by Defendant (collectively referred to as "Defendant's websites"). Many of Defendant's websites contain numerous advertisements for and/or hyperlinks featuring goods or services that are directly competitive with Microsoft products and services.

37. When a person looking for a Microsoft website lands on one of Defendant's websites, that person may click on one of the advertisements or hyperlinks on the site either because the person finds it easier to click on the advertisement or hyperlink than to continue searching for the Microsoft site, or because the person mistakenly believes Microsoft has authorized or endorsed the advertisements or hyperlinks. In either case, the person has been diverted from the Microsoft website he or she was seeking to visit, and Microsoft has lost the opportunity to interact with that person.

38. Defendant uses the Infringing Domain Names to profit from the Microsoft Marks. Upon information and belief, the Defendant receives a payment when Internet users click on one or more links or advertisements on the websites of the Infringing Domain Names. The Defendant receives these payments from one or more advertisers, affiliate programs, or search engines.

39. Defendant is not affiliated with, or sponsored by, Microsoft and has not been authorized by Plaintiff to use the Microsoft Marks. Defendant has not now or ever been authorized by Plaintiff to use or register any name or mark that includes the Microsoft Marks.

40. Defendant's registration, trafficking, and use of the Infringing Domain Names is to primarily capitalize on the goodwill associated with the Microsoft Marks.

41. Defendant has registered, trafficked in, and used the Infringing Domain Names willfully and with bad faith intent to profit from the Microsoft Marks.

**FIRST CLAIM FOR RELIEF**  
**Cybersquatting under the Anticybersquatting Consumer Protection Act –**  
**15 U.S.C. § 1125(d)**

42. Microsoft realleges and incorporates by this reference each and every allegation set forth in paragraphs 1 through 41 above.

43. The Microsoft Marks were distinctive at the time Defendant registered the Infringing Domain Names and remain distinctive today.

44. The Infringing Domain Names were identical or confusingly similar to the Microsoft Marks at the time Defendant registered the Infringing Domain Names, and remain so today.

45. Defendant has registered, trafficked in, and used the Infringing Domain Names with bad faith intent to profit from the goodwill established by Microsoft in the Microsoft Marks.

46. As a result of its wrongful conduct, Defendant is liable to Microsoft for violation of the Anticybersquatting Consumer Protection Act.

47. Defendant's registration, trafficking, and use of the Infringing Domain Names has caused and will continue to cause damage to Microsoft, in an amount to be proved at trial, and is causing irreparable harm to Microsoft, for which there is no adequate remedy at law. Therefore, Plaintiff is entitled to injunctive relief.

48. Microsoft is entitled to recover Defendant's profits, actual damages and costs in an amount to be proven at trial or statutory damages of up to \$100,000 per domain name, treble damages, attorneys' fees and transfer of the Infringing Domain Names to Microsoft.

**SECOND CLAIM FOR RELIEF**  
**Trademark Infringement under the Lanham Act - 15 U.S.C. § 1114**

49. Microsoft realleges and incorporates by this reference each and every allegation set forth in paragraphs 1 through 48 above.

50. Defendant's wrongful and unauthorized use of the Microsoft Marks and counterfeits of the Microsoft Marks to promote, market, or sell products and services constitutes trademark infringement pursuant to 15 U.S.C. § 1114.

51. Defendant's intentional and willful infringement of the Microsoft Marks has caused and will continue to cause damage to Microsoft, in an amount to be proved at trial, and is causing irreparable harm to Microsoft for which there is no adequate remedy at law.

52. Microsoft is entitled to recover damages and to recover its costs herein in an amount to be proven at trial. Microsoft also is entitled to injunctive relief against Defendant.

53. Microsoft further is entitled to recovery of statutory damages, treble damages and attorney fees.

**THIRD CLAIM FOR RELIEF**  
**False Designation of Origin in Violation of the Lanham Act -**  
**15 U.S.C. § 1125(a)**

54. Microsoft realleges and incorporates by this reference each and every allegation set forth in paragraphs 1 through 53 above.

55. The Microsoft Marks are distinctive marks that are associated with Microsoft and exclusively identify Microsoft's business, products, and services.

56. Defendant has used and continues to use the Microsoft Marks in connection with goods or services, in commerce, in a manner that is likely to cause confusion, mistake, or deception as to the origin, sponsorship, or approval of such goods or services.

57. As a result of its wrongful conduct, Defendant is liable to Microsoft for violation of the Anticybersquatting Consumer Protection Act.

58. Microsoft has been damaged by these acts in an amount to be proved at trial. Microsoft is also entitled to injunctive and other equitable relief against Defendants.

**FOURTH CLAIM FOR RELIEF**  
**Unfair Competition/False Advertising Under the Lanham Act -**  
**15 U.S.C. § 1125(a)**

59. Microsoft realleges and incorporates by this reference each and every allegation set forth in paragraphs 1 through 58 above.

60. Defendant has used and continues to use the Microsoft Marks in connection with goods or services with false and misleading descriptions or

representations of fact in commercial advertising or promotion, thereby misrepresenting the nature, characteristics, and qualities of their or another person's goods, services, or commercial activities.

61. As a result of its wrongful conduct, Defendant is liable to Microsoft for violation of the Anticybersquatting Consumer Protection Act.

62. Microsoft is entitled to damages in an amount to be proved at trial and attorneys' fees. Microsoft is also entitled to injunctive relief and other equitable relief against Defendants.

**FIFTH CLAIM FOR RELIEF**  
**Deceptive Acts and Practices - General Business Law § 349**

63. Microsoft realleges and incorporates by this reference each and every allegation set forth in paragraphs 1 through 62 above.

64. By reason of the acts and practices set forth above, Defendant has been and is engaged in deceptive trade practices or acts in the conduct of a business, trade or commerce, or furnishing of goods or service, in violation of Section 349 of the New York General Business Law.

65. The acts and conduct of Defendant are misleading and are likely to cause confusion among customers as to the origin or association of Defendant's infringing Domain Names with Microsoft software and/or components.

66. The public is likely to be damaged as a result of the deceptive trade practices or acts engaged in by Defendant.

67. Unless enjoined by the Court, Defendant will continue said deceptive trade practices or acts, thereby deceiving the public and causing immediate and irreparable damage to Microsoft.

68. Microsoft has no adequate remedy at law.
69. Microsoft is entitled to injunctive and equitable relief, three times its actual damages, and attorney fees against Defendant.

**SIXTH CLAIM FOR RELIEF**  
**Common Law Trademark Infringement**

70. Microsoft realleges and incorporates by this reference each and every allegation set forth in paragraphs 1 through 69 above.
71. Defendant's use of Microsoft Marks is likely to cause confusion, mistake or deception about the source of Defendant's products and services.
72. Defendant's actions constitute trademark infringement, imitation and misappropriation of the Microsoft trademarks in violation of the common law of New York.
73. Defendant's actions have caused and will continue to cause damage to Microsoft, in an amount to be proved at trial, and are causing irreparable harm to Microsoft for which there is no adequate remedy at law.

74. Microsoft is entitled to recover damages in an amount to be proven at trial. Microsoft is also entitled to injunctive relief against Defendant.

**SEVENTH CLAIM FOR RELIEF**  
**Common Law Unfair Competition**

75. Microsoft realleges and incorporates by this reference each and every allegation set forth in paragraphs 1 through 74 above.
76. The acts and conduct of Defendant as alleged above in this Complaint constitute intentional and willful unfair competition pursuant to the common law of New York.

77. Defendant's use of the Microsoft Marks has infringed on their distinctive features in a manner that creates, upon information and belief, actual confusion or a likelihood of confusion, in the public mind.

78. Defendant's conduct has caused and will continue to cause damage to Microsoft and is causing irreparable harm to Microsoft for which there is no adequate remedy at law.

79. Microsoft is entitled to recover damages and to recover its costs herein in an amount to be proven at trial. Microsoft also is entitled to injunctive relief against Defendant.

**PRAYER FOR RELIEF**

WHEREFORE, Microsoft respectfully requests that the Court enter judgment against Defendant as follows:

1. That the Court issue temporary and permanent injunctive relief against Defendant and that Defendant, his officers, agents, representatives, servants, employees, attorneys, successors and assignees, and all others in active concert or participation with Defendant, be enjoined and restrained from:
  - a) infringing Microsoft's trademarks and service marks;
  - b) registering, using or trafficking any domain names that are identical or confusingly similar to the Microsoft Marks, including but not limited to domain names containing the Microsoft Marks and domain names containing misspellings of the Microsoft Marks; and

c) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs a) through b) above;

2. That the Court order the forfeiture or cancellation of the Infringing Domain Names and the transfer of the Infringing Domain Names to Microsoft;

3. That the Court award Microsoft actual damages and statutory damages, in amount to be proven at trial;

4. That the Court award Microsoft treble damages in an amount to be proven at trial;

5. That the Court award Microsoft its attorney fees and costs incurred herein; and

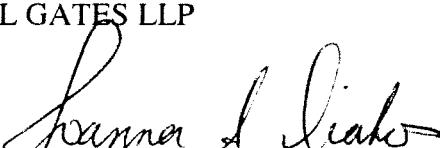
6. That the Court grant Microsoft all other relief to which it is entitled and such other or additional relief as is just and proper under these circumstances.

Dated: New York, New York  
September 16, 2009

Respectfully submitted,

K&L GATES LLP

By:

  
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*Attorneys for Plaintiff Microsoft Corporation*

## APPENDIX A

activedirectorydomains.com  
cheapmicrosoftofficesoftware.com  
computermicrosoftprogram.com  
crackinghotmail.com  
downloadoutlookexpress6.com  
downloadsforwindowsmediaplayer.com  
downloadwindows98.com  
downloadwindowsmediaplayer10italiano.com  
freewindows98.com  
hotmail101.com  
hotmailcracking.com  
hotmailip.com  
hotmal.com  
hoymail.com  
htomail.net  
msninstantmessengerdownload.com  
msninternetprovider.com  
routerwirelessmicrosoft.com  
sanxbox.com  
tripsstreetsmicrosoft.com  
updatewindows98.com  
windoesmedia.com  
windows98productkey.com  
windowsmedai.com  
windowsxpduch.com  
wwwwhormail.com  
xbox360livegames.com

# **EXHIBIT A**

**Int. Cl.: 9**

**Prior U.S. Cls.: 21, 23, 26, 36, and 38**

**Reg. No. 2,430,254**

**United States Patent and Trademark Office**

**Registered Feb. 20, 2001**

**TRADEMARK  
PRINCIPAL REGISTER**

**ACTIVE DIRECTORY**

MICROSOFT CORPORATION (WASHINGTON CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 980525399

FOR: COMPUTER SOFTWARE, NAMELY NETWORK OPERATING SYSTEM PROGRAMS AND UTILITY PROGRAMS FOR USE THEREWITH, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).  
FIRST USE 9-0-1997; IN COMMERCE 9-0-1997.

OWNER OF U.S. REG. NOS. 2,105,882, 2,248,228, AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "DIRECTORY", APART FROM THE MARK AS SHOWN.

SN 75-480,182, FILED 5-6-1998.

MELVIN AXILBUND, EXAMINING ATTORNEY

# **EXHIBIT B**

Int. Cls.: 35 and 38

Prior U.S. Cls.: 100, 101, 102 and 104

Reg. No. 2,165,601

United States Patent and Trademark Office

Registered June 16, 1998

SERVICE MARK  
PRINCIPAL REGISTER

HOTMAIL

HOTMAIL CORPORATION (CALIFORNIA  
CORPORATION)  
1290 OAKMEAD PARKWAY, SUITE 218  
SUNNYVALE, CA 94086

FOR: ADVERTISING AND MARKETING  
SERVICES, NAMELY, PROMOTING THE  
GOODS AND SERVICES OF OTHERS BY  
PLACING ADVERTISEMENTS AND PROMO-  
TIONAL DISPLAYS IN AN ELECTRONIC SITE  
ACCESSED THROUGH COMPUTER NET-  
WORKS AND BY DELIVERING ADVERTISE-  
MENTS AND PROMOTIONAL MATERIALS TO

OTHERS VIA ELECTRONIC MAIL, IN CLASS  
35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 7-4-1996; IN COMMERCE  
7-4-1996.

FOR: ELECTRONIC MAIL SERVICES, IN  
CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 7-4-1996; IN COMMERCE  
7-4-1996.

SER. NO. 75-272,783, FILED 4-10-1997.

EDWARD NELSON, EXAMINING ATTORNEY

# **EXHIBIT C**

**Certificate of Correction**

Registered July 6, 1982

Registration No. 1,200,236

Microsoft Corporation, by change of name and assignment from Microsoft

It is hereby certified that the above identified registration is in error requiring correction as follows:

In the statement, column 1, before line 1, *Microsoft Corporation (Washington corporation), 10700 Northup Way, Bellevue, Wash. 98004*, by *change of name and assignment from* should be inserted.

The said registration should be read as corrected above.

Signed and sealed this 3rd day of April 1984.

[SEAL]

Attest:

MICHAEL J. HYNAK,  
*Attesting Officer.*

GERALD J. MOSSINGHOFF,  
*Commissioner of Patents and Trademarks.*

Int. Cls.: 9 and 42

Prior U.S. Cls.: 26, 38 and 101

United States Patent and Trademark Office

Reg. No. 1,200,236

Registered Jul. 6, 1982

TRADEMARK  
SERVICE MARK  
Principal Register

MICROSOFT

Microsoft (partnership)  
Suite 819  
10800 NE. 8th  
Bellevue, Wash. 98004

VICES, in CLASS 42 (U.S. Cl. 101)  
First use Nov. 12, 1975; in commerce Nov. 12.  
1975

For: COMPUTER PROGRAMS, in CLASS 9  
(U.S. Cls. 26 and 38).  
First use Nov. 12, 1975; in commerce Nov. 12,  
1975.

For: COMPUTER PROGRAMMING SER- CHERYL LYNNE HENDERSON. Examiner

Ser. No. 236,080, filed Oct. 22, 1979.

B. H. VERTIZ, Primary Examiner

Int. Cl.: 16

Prior U.S. Cl.: 38

**United States Patent and Trademark Office**

**Reg. No. 1,256,083**  
**Registered Nov. 1, 1983**

**TRADEMARK**  
**Principal Register**

**MICROSOFT**

Microsoft Corporation (Washington corporation)  
10700 Northup Way  
Bellevue, Wash. 98004

For: COMPUTER HARDWARE AND SOFTWARE MANUALS; NEWSLETTER FEATURING INFORMATION ABOUT COMPUTER HARDWARE AND SOFTWARE AND GENERAL INFORMATION RELATING TO COMPUTERS FOR MANUFACTURERS, DISTRIBUTORS, AND USERS OF COMPUTERS AND COMPUTER SOFTWARE; AND COMPUTER DOCUMENTATION—NAMELY, REFERENCE, USER, INSTRUCTIONAL, AND GENERAL UTILITIES MANUALS AND DATA SHEETS FOR COMPUTER HARDWARE AND SOFTWARE USERS, in CLASS 16 (U.S. Cl. 38).

First use Nov. 1975; in commerce Nov. 1975.

Ser. No. 373,992, filed Jul. 12, 1982.

J. H. WEBB, Examining Attorney

**Int. Cl.: 42**

**Prior U.S. Cls.: 100 and 101**

**Reg. No. 1,689,468**

**Registered May 26, 1992**

**United States Patent and Trademark Office**

**SERVICE MARK  
PRINCIPAL REGISTER**

**MICROSOFT**

**MICROSOFT CORPORATION (DELAWARE  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 980526399**

**FOR: COMPUTER PROGRAMMING SERVICES; CONSULTING AND TECHNICAL SUPPORT SERVICES IN THE FIELD OF THE DESIGN AND USE OF COMPUTER PROGRAMS, COMPUTERS, COMPUTER HARDWARE AND COMPUTER SYSTEMS; MAIL ORDER SERVICES IN THE FIELD OF COM-**

**PUTER PROGRAMS, COMPUTER RELATED BOOKS AND PUBLICATIONS, AND OTHER COMPUTER RELATED PRODUCTS, IN CLASS 42 (U.S. CLS. 100 AND 101).**

**FIRST USE 8-30-1990; IN COMMERCE 8-30-1990.**

**OWNER OF U.S. REG. NOS. 1,200,236 AND 1,256,083.**

**SER. NO. 74-184,095, FILED 7-11-1991.**

**G. T. GLYNN, EXAMINING ATTORNEY**

**Int. Cl.: 38**

**Prior U.S. Cls.: 100, 101 and 104**

**Reg. No. 2,250,973**

**United States Patent and Trademark Office**

**Registered June 8, 1999**

**SERVICE MARK  
PRINCIPAL REGISTER**

**MICROSOFT**

**MICROSOFT CORPORATION (WASHINGTON  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 980526399**

**FOR: TELECOMMUNICATION SERVICES,  
NAMELY, THE RECEIPT AND DELIVERY OF  
MESSAGES, DOCUMENTS, IMAGES AND  
OTHER DATA BY ELECTRONIC TRANSMIS-  
SION; ELECTRONIC MAIL SERVICES; PRO-  
VIDING BULLETIN BOARD SERVICES AND**

**CHAT SERVICES BY MEANS OF GLOBAL  
COMMUNICATION NETWORKS, IN CLASS 38  
(U.S. CLS. 100, 101 AND 104).**

**FIRST USE 3-7-1995; IN COMMERCE  
3-7-1995.**

**OWNER OF U.S. REG. NOS. 1,200,236, 1,673,353  
AND OTHERS.**

**SER. NO. 75-358,289, FILED 9-17-1997.**

**G. T. GLYNN, EXAMINING ATTORNEY**

**Int. Cl.: 42**

**Prior U.S. Cls.: 100 and 101**

**Reg. No. 2,337,072**

**United States Patent and Trademark Office**

**Registered Apr. 4, 2000**

**SERVICE MARK  
PRINCIPAL REGISTER**

**MICROSOFT**

MICROSOFT CORPORATION (WASHINGTON  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 980526399

FOR: PROVIDING INFORMATION IN A  
WIDE VARIETY OF FIELDS OVER COMPUTER  
NETWORKS AND GLOBAL COMMUNICA-  
TION NETWORKS; PROVIDING GENERAL  
REFERENCE INFORMATION OVER COMPUTER  
NETWORKS AND GLOBAL COMMUNICA-  
TION NETWORKS; PROVIDING INFORMATION  
CONCERNING PARENTING AND CHILDREN'S  
HEALTH, NUTRITION, AND WELL  
BEING OVER COMPUTER NETWORKS AND  
GLOBAL COMMUNICATION NETWORKS;  
PROVIDING INFORMATION CONCERNING  
COMPUTERS AND COMPUTER SOFTWARE  
OVER COMPUTER NETWORKS AND GLOBAL  
COMMUNICATION NETWORKS; PROVIDING  
ACCESS TO COMPUTER DATA BASES AND  
WEB SITES OF OTHERS IN VARIOUS FIELDS  
BY MEANS OF A GLOBAL COMMUNICA-  
TIONS NETWORK; COMPUTER AND SOFT-  
WARE SERVICES, NAMELY, PROVIDING  
INTERACTIVE ELECTRONIC RETAILING

AND ON-LINE ORDERING AND INFORMA-  
TION SYSTEMS FOR USE BY OTHERS; COM-  
PUTER SERVICES, NAMELY, HOSTING WEB  
SITES AND PROVIDING WEB SITE OPER-  
ATION AND MANAGEMENT SERVICES TO  
OTHERS IN THE FIELDS OF ON-LINE RE-  
TAILING AND ORDERING, RESTAURANT  
AND TRAVEL INFORMATION AND RESER-  
VATIONS; LEASING COMPUTER FACILITIES  
TO OTHERS FOR THE PURPOSE OF THEIR  
PROVIDING INTERACTIVE RETAILING, ON-  
LINE ORDERING, AND RESTAURANT AND  
TRAVEL INFORMATION AND RESERVA-  
TIONS, ON A COMPUTER SERVER FOR A  
GLOBAL COMMUNICATION NETWORK; PRO-  
VIDING BULLETIN BOARD SERVICES AND  
CHAT SERVICES BY MEANS OF GLOBAL  
COMMUNICATION NETWORKS, IN CLASS 42  
(U.S. CLS. 100 AND 101).

FIRST USE 3-7-1995; IN COMMERCE  
3-7-1995.

SER. NO. 75-351,663, FILED 9-4-1997.

JAMES A. RAUEN, EXAMINING ATTORNEY

# **EXHIBIT D**

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,043,004

**United States Patent and Trademark Office**

Registered Mar. 11, 1997

**TRADEMARK  
PRINCIPAL REGISTER**

The logo consists of the lowercase letters "msn." in a bold, sans-serif font. The "m" is the tallest, followed by "s" and "n".

MICROSOFT CORPORATION (WASHINGTON  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 980526399

FOR: COMPUTER PROGRAM FOR TRANSMITTING AND RECEIVING TEXT, IMAGES, E-MAIL AND OTHER DATA TO AND FROM A REMOTE NETWORK, AND FOR ACCESSING ON-LINE INFORMATION IN THE FIELDS OF

BUSINESS, LAW, ENTERTAINMENT, SPORTS, EDUCATION AND GENERAL REFERENCE, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38). FIRST USE 3-7-1995; IN COMMERCE 3-7-1995.

SER. NO. 75-014,977, FILED 11-3-1995.

EDWARD NELSON, EXAMINING ATTORNEY

Int. Cl.: 38

Prior U.S. Cls.: 100, 101 and 104

Reg. No. 2,131,644

United States Patent and Trademark Office

Registered Jan. 27, 1998

SERVICE MARK  
PRINCIPAL REGISTER

**msn.**

MICROSOFT CORPORATION (WASHINGTON  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 980526399

FOR: TELECOMMUNICATION SERVICES,  
NAMELY, THE RECEIPT AND DELIVERY OF  
MESSAGES, DOCUMENTS, IMAGES AND  
OTHER DATA BY ELECTRONIC TRANSMIS-  
SION; ELECTRONIC STORAGE AND RE-

TRIEVAL OF DATA AND DOCUMENTS;  
ELECTRONIC MAIL SERVICES, IN CLASS 38  
(U.S. CLS. 100, 101 AND 104).

FIRST USE 3-7-1995; IN COMMERCE  
3-7-1995.

SER. NO. 75-011,977, FILED 10-30-1995.

EDWARD NELSON, EXAMINING ATTORNEY

**Int. Cl.: 42**

**Prior U.S. Cls.: 100 and 101**

**Reg. No. 2,201,105**

**United States Patent and Trademark Office**

**Registered Nov. 3, 1998**

**SERVICE MARK  
PRINCIPAL REGISTER**

**MSN**

**MICROSOFT CORPORATION (WASHINGTON  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 980526399**

**FOR: PROVIDING INFORMATION IN A  
WIDE VARIETY OF NON-MUSIC RELATED  
FIELDS OVER COMPUTER NETWORKS AND  
GLOBAL COMMUNICATION NETWORKS;  
PROVIDING GENERAL REFERENCE INFOR-  
MATION OVER COMPUTER NETWORKS AND  
GLOBAL COMMUNICATION NETWORKS;  
PROVIDING INFORMATION CONCERNING  
PARENTING AND CHILDREN'S HEALTH, NU-  
TRITION, AND WELL BEING OVER COMPUT-  
ER NETWORKS AND GLOBAL COMMUNICA-  
TION NETWORKS; PROVIDING INFORMA-  
TION CONCERNING COMPUTERS AND COM-  
PUTER SOFTWARE OVER COMPUTER NET-**

**WORKS AND GLOBAL COMMUNICATION  
NETWORKS; PROVIDING ACCESS TO COM-  
PUTER DATA BASES AND WEB SITES OF  
OTHERS IN VARIOUS FIELDS BY MEANS OF  
A GLOBAL COMMUNICATIONS NETWORK;  
PROVIDING BULLETIN BOARD SERVICES  
AND CHAT SERVICES BY MEANS OF  
GLOBAL COMMUNICATION NETWORKS;  
ELECTRONIC MAIL SERVICES, IN CLASS 42  
(U.S. CLS. 100 AND 101).**

**FIRST USE 3-7-1995; IN COMMERCE  
3-7-1995.**

**OWNER OF U.S. REG. NOS. 2,014,296,  
2,043,002, AND 2,043,004.**

**SER. NO. 75-280,961, FILED 4-25-1997.**

**KATHERINE STOIDES, EXAMINING ATTOR-  
NEY**

**Int. Cl.: 41**

**Prior U.S. Cls.: 100, 101 and 107**

**Reg. No. 2,418,517**

**United States Patent and Trademark Office**

**Registered Jan. 9, 2001**

**SERVICE MARK  
PRINCIPAL REGISTER**

**MSN**

MICROSOFT CORPORATION (WASHINGTON COR-  
PORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 980526399

FOR: PROVIDING INFORMATION IN THE FIELDS  
OF MOVIES AND SPORTS VIA A GLOBAL COM-  
PUTER NETWORK, IN CLASS 41 (U.S. CLS. 100,  
101 AND 107).

FIRST USE 3-7-1995; IN COMMERCE 3-7-1995.  
OWNER OF U.S. REG. NOS. 2,014,296, 2,043,002,  
AND 2,043,004.

SER. NO. 75-280,974, FILED 4-25-1997.  
KATHERINE STOIDES, EXAMINING ATTORNEY

# **EXHIBIT E**

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

**United States Patent and Trademark Office**

Reg. No. 2,188,125  
Registered Sep. 8, 1998

**TRADEMARK  
PRINCIPAL REGISTER**

**OUTLOOK**

MICROSOFT CORPORATION (WASHINGTON  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 980526399

FOR: COMPUTER PROGRAMS FOR PROVIDING ENHANCED ELECTRONIC MAIL AND SCHEDULING CAPABILITIES, FOR USE BY INDIVIDUAL COMPUTER USERS, NAMELY, COMPUTER PROGRAMS FOR MANAGING, VIEWING, AND EDITING FILES, DOCUMENTS, ELECTRONIC MAIL MESSAGES AND PRIVATE NETWORK AND GLOBAL COMPUTER NETWORK COMMUNICATIONS; COMPUTER PROGRAMS FOR MEETING AND EVENT SCHEDULING, MANAGING GROUP CALENDARS, TASK DELEGATION AND REPORTING, RECORDING

NOTES, TRANSFERRING DATA TO AND FROM DATA BASES AND TO AND FROM COMPUTER PROGRAMS AND COMPUTER FILES; ADDRESS BOOK PROGRAMS, TELEPHONE DIALING PROGRAMS, PROGRAMS FOR CORRECTING TYPOGRAPHICAL AND CAPITALIZATION ERRORS, PROGRAMS FOR TALLYING VOTING RESPONSES; AND INSTRUCTION MANUALS THEREFOR SOLD AS A UNIT, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-1-1997; IN COMMERCE 1-1-1997.

SN 75-053,439, FILED 2-5-1996.

FRANCES G. SMITH, EXAMINING ATTORNEY

# **EXHIBIT F**

Int. Cl.: 9

Prior U.S. Cl.: 38

**United States Patent and Trademark Office** **Reg. No. 1,872,264**  
**Registered Jan. 10, 1995**

**TRADEMARK  
PRINCIPAL REGISTER**

**WINDOWS**

MICROSOFT CORPORATION (DELAWARE  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 980526399

FIRST USE 10-18-1983; IN COMMERCE  
10-18-1983.

SEC. 2(F).

FOR: COMPUTER PROGRAMS AND MANU-  
ALS SOLD AS A UNIT; NAMELY, GRAPHICAL  
OPERATING ENVIRONMENT PROGRAMS  
FOR MICROCOMPUTERS, IN CLASS 9 (U.S.  
CL. 38).

SER. NO. 74-090,419, FILED 8-20-1990.

ESTHER BELENKER, EXAMINING ATTOR-  
NEY

Int. Cl.: 9

Prior U.S. Cls.: 21 and 38

**United States Patent and Trademark Office** **Reg. No. 1,989,386**  
**Registered July 30, 1996**

**TRADEMARK  
PRINCIPAL REGISTER**

**WINDOWS**

MICROSOFT CORPORATION (WASHINGTON  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 98052, BY MERGER, MERGER  
AND CHANGE OF NAME FROM MICRO-  
SOFT CORPORATION (DELAWARE CORPO-  
RATION) REDMOND, WA 980526399

FOR: SOUND SYSTEM FOR PERSONAL  
COMPUTERS COMPRISING CIRCUIT BOARD,  
MICROPHONE, HEADPHONES, COMPUTER  
PROGRAMS FOR RECORDING AND GENER-  
ATING SOUNDS FOR USE THEREWITH AND

MANUALS THEREFOR SOLD AS A UNIT, IN  
CLASS 9 (U.S. CLS. 21 AND 38).

FIRST USE 10-1-1992; IN COMMERCE  
10-1-1992.

OWNER OF U.S. REG. NOS. 1,872,264 AND  
1,875,069.  
SEC. 2(F).

SER. NO. 74-413,669, FILED 7-16-1993.

ESTHER BELENKER, EXAMINING ATTOR-  
NEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

**United States Patent and Trademark Office** **Reg. No. 2,005,901**  
**Registered Oct. 8, 1996**

**TRADEMARK  
PRINCIPAL REGISTER**

**WINDOWS**

MICROSOFT CORPORATION (WASHINGTON  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 980526399

FOR: PUBLICATIONS, NAMELY USER  
MANUALS, INSTRUCTION GUIDES, REFER-  
ENCE GUIDES, NEWSLETTERS, MAGAZINES,  
BOOKS ABOUT COMPUTER PROGRAMS, IN  
CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND  
50).

FIRST USE 11-0-1985; IN COMMERCE  
11-0-1985.

OWNER OF U.S. REG. NOS. 1,872,264 AND  
1,947,103.

SEC. 2(F).

SER. NO. 74-716,365, FILED 8-16-1995.

ESTHER BELENKER, EXAMINING ATTOR-  
NEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 2,463,509

United States Patent and Trademark Office

Registered June 26, 2001

**SERVICE MARK  
PRINCIPAL REGISTER**

**WINDOWS**

MICROSOFT CORPORATION (WASHINGTON  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 98052

FOR: MAIL ORDER AND ON-LINE DISTRIBUTORSHIP SERVICES FEATURING COMPUTER SOFTWARE AND PUBLICATIONS ON COMPUTER HARDWARE AND SOFTWARE; ON-LINE RETAIL SERVICES FEATURING COMPUTER HARDWARE, SOFTWARE AND PUBLICATIONS ON COMPUTER HARDWARE AND SOFTWARE; LICENSING OF COMPUTER SOFTWARE; ARRANGING AND CONDUCTING TRADE SHOWS FEATURING COMPUTERS, COMPUTER SOFTWARE AND COMPUTER

SOFTWARE RELATED PRODUCTS, IN CLASS 35  
(U.S. CLS. 100, 101 AND 102).

FIRST USE 5-0-1991; IN COMMERCE 5-0-1991.

OWNER OF U.S. REG. NOS. 1,872,264, 2,212,784  
AND OTHERS.

SEC. 2(F).

SER. NO. 75-868,853, FILED 12-10-1999.

ROBERT LORENZO, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,463,510

United States Patent and Trademark Office

Registered June 26, 2001

**SERVICE MARK  
PRINCIPAL REGISTER**

**WINDOWS**

MICROSOFT CORPORATION (WASHINGTON  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 98052

FOR: COMPUTER SERVICES, NAMELY PROVIDING TECHNICAL SUPPORT, INFORMATION AND CONSULTATION SERVICES IN THE FIELDS OF COMPUTER HARDWARE, COMPUTER SOFTWARE AND COMPUTER OPERATING SYSTEMS, ALL OFFERED VIA COMPUTER NETWORKS AND GLOBAL COMMUNICATION NETWORKS; COMPUTER HARDWARE AND SOFTWARE TESTING SERVICES; COMPUTER SERVICES, NAMELY PROVIDING SOFTWARE UPDATES VIA COMPUTER NETWORKS AND GLOBAL COMMUNICATION NETWORKS; COMPUTER SERVICES, NAMELY PROVIDING AN ON-LINE MAGAZINE IN THE

FIELD OF COMPUTERS AND COMPUTER SOFTWARE; INTERNET SEARCH ENGINES SERVICES; PROVIDING ONLINE RESEARCH SERVICES FOR OTHERS IN VARIOUS FIELDS; LICENSING OF INTELLECTUAL PROPERTY, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 5-0-1996; IN COMMERCE 5-0-1996.

OWNER OF U.S. REG. NOS. 1,872,264, 2,212,784 AND OTHERS.

SEC. 2(F).

SER. NO. 75-868,854, FILED 12-10-1999.

ROBERT LORENZO, EXAMINING ATTORNEY

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

Reg. No. 2,463,526

United States Patent and Trademark Office

Registered June 26, 2001

**SERVICE MARK  
PRINCIPAL REGISTER**

**WINDOWS**

MICROSOFT CORPORATION (WASHINGTON  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 98052

FIRST USE 1-26-1998; IN COMMERCE 1-26-1998.

OWNER OF U.S. REG. NOS. 1,872,264, 2,212,784  
AND OTHERS.

SEC. 2(F).

SER. NO. 75-879,977, FILED 12-22-1999.

ESTHER BELENKER, EXAMINING ATTORNEY

FOR: PROVIDING INFORMATION OVER COMPUTER NETWORKS AND GLOBAL COMMUNICATION NETWORKS IN THE FIELDS OF ENTERTAINMENT, MUSIC, AND INTERACTIVE GAMES; EDUCATION SERVICES, NAMELY ONLINE TUTORIALS IN THE FIELD OF COMPUTERS AND COMPUTER SOFTWARE, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

# **EXHIBIT G**

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 2,528,008

Registered Jan. 8, 2002

TRADEMARK  
PRINCIPAL REGISTER



MICROSOFT CORPORATION (WASHINGTON  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 980526399

FOR: COMPUTER SOFTWARE SPECIFICALLY  
DESIGNED FOR CREATING, DELIVERING, PLAY-  
ING AND VIEWING OF VIDEO, GRAPHIC, AUDIO,  
TEXT, COMPUTER PROGRAMS AND OTHER  
DATA OVER GLOBAL COMPUTER AND COMMU-  
NICATION NETWORKS, IN CLASS 9 (U.S. CLS. 21,  
23, 26, 36 AND 38).

FIRST USE 2-17-2000; IN COMMERCE 2-17-2000.

OWNER OF U.S. REG. NOS. 1,816,354, 1,989,386,  
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "MEDIA", APART FROM THE  
MARK AS SHOWN.

THE MARK CONSISTS OF A FLAG DESIGN  
WITHIN A RECTANGLE, SEVERAL PARTIAL REC-  
TANGLES AND THE WORDS "WINDOWS MEDIA".

SEC. 2(F) AS TO "WINDOWS".

SN 75-663,200, FILED 3-18-1999.

ESTHER BELENKER, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 2,601,424

Registered July 30, 2002

TRADEMARK  
PRINCIPAL REGISTER

WINDOWS MEDIA

MICROSOFT CORPORATION (WASHINGTON  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 980526399

FOR: COMPUTER PROGRAMS, NAMELY SOFTWARE FOR USE IN THE CREATION, DELIVERY, PLAYING AND VIEWING OF VIDEO, GRAPHIC, AUDIO, TEXT, COMPUTER PROGRAMS AND OTHER DATA OVER GLOBAL COMPUTER AND COMMUNICATION NETWORKS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 7-0-1998; IN COMMERCE 7-0-1998.

OWNER OF U.S. REG. NO. 1,875,069.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "MEDIA", APART FROM THE  
MARK AS SHOWN.

SEC. 2(F) AS TO "WINDOWS".

SN 75-517,785, FILED 7-13-1998.

CYNTHIA SLOAN, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

**United States Patent and Trademark Office**

Reg. No. 2,635,678

Registered Oct. 15, 2002

**SERVICE MARK  
PRINCIPAL REGISTER**

**WINDOWS MEDIA**

MICROSOFT CORPORATION (WASHINGTON  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 980526399

FOR: COMPUTER SERVICES, NAMELY OPER-  
ATING WEB SITES ON A WIDE VARIETY OF  
TOPICS WHICH PROVIDE USERS WITH VIDEO,  
GRAPHIC, AUDIO, TEXT, COMPUTER PRO-  
GRAMS AND OTHER DATA IN A SPECIFIED  
FORMAT, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 0-0-1999; IN COMMERCE 0-0-1999.

OWNER OF U.S. REG. NOS. 1,872,264, 2,212,784,  
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "MEDIA", APART FROM THE  
MARK AS SHOWN.

SEC. 2(F) AS TO "WINDOWS".

SN 75-517,786, FILED 7-13-1998.

ROBERT LORENZO, EXAMINING ATTORNEY

# **EXHIBIT H**

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,640,353

United States Patent and Trademark Office

Registered Oct. 22, 2002

SERVICE MARK  
PRINCIPAL REGISTER

**WINDOWS XP**

MICROSOFT CORPORATION (WASHINGTON  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 980526399

FIRST USE 7-2-2001; IN COMMERCE 7-2-2001.

OWNER OF U.S. REG. NOS. 1,872,264, 1,875,069,  
AND OTHERS.

FOR: COMPUTER SERVICES, NAMELY PROVID-  
ING TECHNICAL INFORMATION IN THE FIELDS  
OF COMPUTER HARDWARE, COMPUTER SOFT-  
WARE AND COMPUTER OPERATING SYSTEMS,  
ALL OFFERED VIA COMPUTER NETWORKS AND  
GLOBAL COMMUNICATION NETWORKS, IN  
CLASS 42 (U.S. CLS. 100 AND 101).

SEC. 2(F) AS TO "WINDOWS".

SN 75-982,727, FILED 1-19-2001.

WILLIAM JACOBI, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,640,357

**United States Patent and Trademark Office**

Registered Oct. 22, 2002

**TRADEMARK  
PRINCIPAL REGISTER**

**WINDOWS XP**

MICROSOFT CORPORATION (WASHINGTON  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 980526399

FOR: COMPUTER SOFTWARE, NAMELY, OPERATING SYSTEM PROGRAMS AND UTILITIES, WORD PROCESSING PROGRAMS, ADDRESS BOOK PROGRAMS, CALCULATOR PROGRAMS, TERMINAL EMULATION PROGRAMS, PROGRAMS FOR DOWNLOADING AND PLAYING AUDIO AND VIDEO, PROGRAMS FOR MANAGING COMPUTER POWER SUPPLIES, PROGRAMS FOR USE IN TRANSMITTING DATA BETWEEN COMPUTERS AND OTHER ELECTRONIC DEVICES, COMPUTER MAINTENANCE PROGRAMS, PROGRAMS FOR PROVIDING ENHANCED SPECIAL EFFECTS WHILE RUNNING GAME PROGRAMS, PROGRAMS FOR USE IN ACCESSING AND PLAYING CDS, PROGRAMS FOR USE IN ACCESSING AND VIEWING DVDS, BROWSER PROGRAMS, ACCESSIBILITY PROGRAMS TO MAKE COMPUTERS MORE USEFUL FOR PERSONS WITH DISABILITIES; PAINT PROGRAMS; ELECTRONIC MAIL PROGRAMS; PROGRAMS FOR ELECTRONIC CONFERENCING; COMPUTERS AND PARTS THEREFOR, COMPUTER PERIPHERALS, AND FULL LINE OF COMPUTER APPLICATION PROGRAMS; COMPUTERS AND PARTS THEREFOR, COMPUTER PERIPHERALS, COMPUTER PROGRAMS, AND MANUALS THEREFOR SOLD AS A UNIT, FOR USE IN APPLI-

CATIONS WITH GRAPHICAL USER INTERFACES; COMPUTER SERVERS; OPERATING SYSTEM PROGRAMS THEREFOR AND A FULL LINE OF COMPUTER APPLICATION PROGRAMS FOR USE THEREWITH; COMPUTER PROGRAMS FOR MANAGING COMMUNICATIONS AND DATA EXCHANGE BETWEEN COMPUTERS AND ELECTRONIC DEVICES; COMPUTER HARDWARE AND PERIPHERALS; COMPUTER KEYBOARDS; COMPUTER AND VIDEO GAME JOYSTICKS AND GAME CONTROLLERS; COMPUTER GAME PADS AND CONTROLLERS; COMPUTER PERIPHERALS, NAMELY, COMPUTER MICE AND OTHER POINTING DEVICES; COMPUTER SOFTWARE FOR PLAYING VIDEO GAMES AND COMPUTER GAMES; AND USER MANUALS FOR THE AFOREMENTIONED SOFTWARE SOLD AS A UNIT THEREWITH, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-14-2001; IN COMMERCE 3-14-2001.

OWNER OF U.S. REG. NOS. 1,872,264, 1,875,069, AND OTHERS.

SEC. 2(F) AS TO "WINDOWS".

SN 75-982,782, FILED 1-19-2001.

SUSAN HAYASHI, EXAMINING ATTORNEY

Int. Cl.: 41

Prior U.S. Cls.: 100, 101, and 107

**United States Patent and Trademark Office**

**Reg. No. 2,691,662**

Registered Feb. 25, 2003

**SERVICE MARK  
PRINCIPAL REGISTER**

**WINDOWS XP**

MICROSOFT CORPORATION (WASHINGTON  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 980526399

FOR: PROVIDING SOFTWARE USER TRAINING  
AND TUTORIALS OVER COMPUTER NETWORKS  
AND GLOBAL COMMUNICATION NETWORKS;  
EDUCATION AND TRAINING SERVICES, NAME-  
LY, CONDUCTING CLASSES AND SEMINARS IN  
THE FIELD OF COMPUTERS AND COMPUTER  
PROGRAMS, IN CLASS 41 (U.S. CLS. 100, 101 AND  
107).

FIRST USE 7-2-2001; IN COMMERCE 7-2-2001.

OWNER OF U.S. REG. NOS. 1,872,264, 1,875,069,  
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "WINDOWS", APART FROM THE  
MARK AS SHOWN.

SEC. 2(F) AS TO "WINDOWS".

SN 78-043,951, FILED 1-19-2001.

LAURA KOVAISKY, EXAMINING ATTORNEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

Reg. No. 2,705,442

United States Patent and Trademark Office

Registered Apr. 8, 2003

SERVICE MARK  
PRINCIPAL REGISTER

WINDOWS XP

MICROSOFT CORPORATION (WASHINGTON  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 980526399

TER SOFTWARE RELATED PRODUCTS, IN CLASS  
35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 7-2-2001; IN COMMERCE 7-2-2001.

OWNER OF U.S. REG. NOS. 1,872,264, 1,875,069,  
AND OTHERS.

SEC. 2(F) AS TO "WINDOWS".

SN 78-043,950, FILED 1-19-2001.

ESTHER BELENKER, EXAMINING ATTORNEY

FOR: ON-LINE DISTRIBUTORSHIP SERVICES  
FEATURING COMPUTER SOFTWARE AND PUBLICATIONS ON COMPUTER HARDWARE AND SOFTWARE; ON-LINE RETAIL SERVICES FEATURING COMPUTER HARDWARE, SOFTWARE AND PUBLICATIONS ON COMPUTER HARDWARE AND SOFTWARE; LICENSING OF COMPUTER SOFTWARE; ARRANGING AND CONDUCTING TRADE SHOWS FEATURING COMPUTERS, COMPUTER SOFTWARE AND COMPUTER

# **EXHIBIT I**

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,646,465

United States Patent and Trademark Office

Registered Nov. 5, 2002

TRADEMARK  
PRINCIPAL REGISTER

XBOX

MICROSOFT CORPORATION (WASHINGTON  
CORPORATION)  
LEGAL DEPARTMENT  
ONE MICROSOFT WAY  
REDMOND, WA 980526399

FOR USE WITH THE ABOVE REFERENCED MA-  
CHINES; USER MANUALS THEREFOR SOLD AS A  
UNIT THEREWITH, IN CLASS 9 (U.S. CLS. 21, 23, 26,  
36 AND 38).

FOR: VIDEO GAME PLAYER MACHINES FOR  
USE WITH TELEVISIONS AND COMPUTERS; COM-  
PUTER AND VIDEO GAME CONTROLLERS; COM-  
PUTER SOFTWARE FOR PLAYING COMPUTER  
AND VIDEO GAMES; OPERATING SYSTEM SOFT-  
WARE PROGRAMS AND UTILITY PROGRAMS

FIRST USE 11-21-2001; IN COMMERCE 11-21-2001.

SN 75-981,476, FILED 10-18-1999.

LYNN A. LUTHEY, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,663,880

United States Patent and Trademark Office

Registered Dec. 17, 2002

TRADEMARK  
PRINCIPAL REGISTER

XBOX

MICROSOFT CORPORATION (WASHINGTON  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 98052

FOR: INTERACTIVE VIDEO GAME DEVICES  
COMPRISED OF COMPUTER HARDWARE AND  
SOFTWARE AND ACCESSORIES, NAMELY, GAME  
CONSOLES, GAME CONTROLLERS, AND SOFT-

WARE FOR OPERATING GAME CONTROLLERS,  
IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-21-2001; IN COMMERCE 11-21-2001.

SN 75-982,801, FILED 2-25-2000.

CHRISTOPHER BUONGIORNO, EXAMINING AT-  
TORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,730,847

United States Patent and Trademark Office

Registered June 24, 2003

TRADEMARK  
PRINCIPAL REGISTER



MICROSOFT CORPORATION (WASHINGTON  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 980526399

FOR: VIDEO GAME PLAYER MACHINES FOR  
USE WITH TELEVISIONS AND COMPUTERS, AND  
OPERATING SYSTEM SOFTWARE PROGRAMS  
AND COMPUTER UTILITY PROGRAMS FOR USE  
THEREWITH; ELECTRONIC DEVICES, NAMELY,  
COMPUTER HARDWARE FOR ACCESSING GLO-  
BAL COMPUTER AND COMMUNICATION NET-  
WORKS; AND OPERATING SYSTEM SOFTWARE  
PROGRAMS AND COMPUTER AND COMMUNI-  
CATION NETWORKS, AND OPERATING SYSTEM  
SOFTWARE PROGRAMS AND COMPUTER UTILI-  
TY PROGRAMS FOR USE THEREWITH; COMPUTER  
HARDWARE AND PERIPHERALS;  
COMPUTER GAME CONTROLLERS; COMPUTER  
GAME PADS AND CONTROLLERS; COMPUTER  
SOFTWARE FOR PLAYING VIDEO GAMES AND

COMPUTER GAMES AND FOR ACCESSING AND  
BROWSING GLOBAL COMPUTER AND COMMU-  
NICATION NETWORKS; COMPUTER SOFTWARE  
FOR COMPRESSING AND DECOMPRESSING  
DATA AND VIDEO IMAGES, WORD TEXT EDIT-  
ING; COMPUTER GAME PROGRAMS AND COM-  
PUTER VIDEO GAME PROGRAMS  
DOWNLOADABLE FROM GLOBAL COMPUTER  
NETWORKS AND GLOBAL COMMUNICATIONS  
NETWORKS; AND USER MANUALS FOR ALL THE  
AFOREMENTIONED SOFTWARE AND DEVICES  
SOLD AS A UNIT THEREWITH, IN CLASS 9 (U.S.  
CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-21-2001; IN COMMERCE 11-21-2001.

SN 78-975,045, FILED 9-8-2000.

IRENE D. WILLIAMS, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 2,775,859

Registered Oct. 21, 2003

TRADEMARK  
PRINCIPAL REGISTER

XBOX

MICROSOFT CORPORATION (WASHINGTON  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 980526399

OWNER OF U.S. REG. NO. 2,646,465.

FOR: TV AND VIDEO CONVERTERS, IN CLASS 9  
(U.S. CLS. 21, 23, 26, 36 AND 38).

SER. NO. 78-193,098, FILED 12-10-2002.

FIRST USE 12-0-1998; IN COMMERCE 12-0-1998. PRISCILLA MILTON, EXAMINING ATTORNEY

Int. Cls.: 35 and 41

Prior U.S. Cls.: 100, 101, 102, and 107

United States Patent and Trademark Office

Reg. No. 2,786,794

Registered Nov. 25, 2003

**SERVICE MARK  
PRINCIPAL REGISTER**

**XBOX**

MICROSOFT CORPORATION (WASHINGTON  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 98052

FOR: ARRANGING AND CONDUCTING TRADE  
SHOWS RELATING TO THE VIDEO GAME AND  
COMPUTER GAME INDUSTRIES, IN CLASS 35 (U.S.  
CLS. 100, 101 AND 102).

FIRST USE 11-1-2001; IN COMMERCE 11-1-2001.

FOR: ENTERTAINMENT SERVICES, NAMELY,  
FEATURING GENERAL VIDEO GAME AND COM-

PUTER GAME INFORMATION VIA THE INTERNET  
ARRANGING AND CONDUCTING  
EXHIBITIONS IN THE NATURE OF COMPUTER  
GAMING TOURNAMENTS AND DEVELOPER  
CONFERENCES, IN CLASS 41 (U.S. CLS. 100, 101  
AND 107).

FIRST USE 11-1-2001; IN COMMERCE 11-1-2001.

SN 75-928,026, FILED 2-25-2000.

CHRISTOPHER BUONGIORNO, EXAMINING ATTORNEY

Int. Cls.: 38 and 41

Prior U.S. Cls.: 100, 101, 104, and 107

Reg. No. 2,792,744

United States Patent and Trademark Office

Registered Dec. 9, 2003

SERVICE MARK  
PRINCIPAL REGISTER

The logo consists of the word "XBOX" in a bold, blocky, sans-serif font. The "X" is formed by two thick, slanted lines that meet in the middle. The "B" and "O" are formed by two thick, horizontal lines.

MICROSOFT CORPORATION (WASHINGTON  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 980526399

FOR: PROVIDING ON-LINE CHAT ROOMS FOR  
TRANSMISSION OF MESSAGES AMONG COMPUTER  
USERS CONCERNING INTERACTIVE GAMES  
PLAYED OVER COMPUTER NETWORKS AND  
GLOBAL COMMUNICATIONS NETWORKS, IN  
CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 8-23-2002; IN COMMERCE 8-23-2002.

FOR: ENTERTAINMENT SERVICES, NAMELY,  
PROVIDING ON-LINE INTERACTIVE MULTI-

PLAYER COMPUTER GAMES PLAYED VIA COMPUTER NETWORKS AND GLOBAL COMMUNICATIONS NETWORKS; PROVIDING INFORMATION ON-LINE RELATING TO COMPUTER GAMES, VIDEO GAMES AND COMPUTER AND VIDEO GAME RELATED PRODUCTS; AND ORGANIZING AND CONDUCTING EXHIBITIONS FOR USERS OF VIDEO AND COMPUTER GAMES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 11-1-2001; IN COMMERCE 11-1-2001.

SN 78-025,108, FILED 9-8-2000.

ESTHER A. BORSUK, EXAMINING ATTORNEY

# **EXHIBIT J**

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 3,252,556

United States Patent and Trademark Office

Registered June 12, 2007

TRADEMARK  
PRINCIPAL REGISTER

# XBOX 360

MICROSOFT CORPORATION (WASHINGTON  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 980526399

FOR: INTERACTIVE VIDEO GAME DEVICES  
COMPRISED OF COMPUTER HARDWARE AND  
SOFTWARE AND ACCESSORIES, NAMELY, GAME  
CONSOLES, GAME CONTROLLERS AND SOFT-  
WARE FOR OPERATING GAME CONTROLLERS;  
ELECTRONIC DEVICES, NAMELY, COMPUTER  
HARDWARE FOR ACCESSING GLOBAL COMPUTER  
AND COMMUNICATION NETWORKS; COMPUTER  
HARDWARE AND COMPUTER PERIPHERALS; CAMERAS;  
COMPUTER SOFTWARE FOR PLAYING VIDEO GAMES AND  
COMPUTER GAMES WITH OTHERS VIA A GLOBAL  
COMPUTER OR COMMUNICATION NETWORK  
AND FOR ACCESSING AND BROWSING GLOBAL  
COMPUTER AND COMMUNICATION NET-  
WORKS; COMPUTER SOFTWARE FOR COMPRES-  
sing AND DECOMPRESSING DATA AND VIDEO  
IMAGES, WORD TEXT EDITING AND FOR COM-

POSING, TRANSMITTING AND RECEIVING  
EMAIL; OPERATING SYSTEM SOFTWARE PRO-  
GRAMS AND UTILITY PROGRAMS FOR USE  
WITH THE ABOVE REFERENCED MACHINES;  
USER MANUALS THEREFORE SOLD AS A UNIT  
THEREWITH; COMPUTER PROGRAMS, NAMELY,  
GAME SOFTWARE FOR USE ON COMPUTERS  
AND VIDEO GAME PLAYERS, IN CLASS 9 (U.S.  
CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-22-2005; IN COMMERCE 11-22-2005.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,646,465 AND  
2,698,179.

SN 78-977,810, FILED 5-12-2005.

ARETHA SOMERVILLE, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

Reg. No. 3,300,210

United States Patent and Trademark Office

Registered Sep. 25, 2007

TRADEMARK  
PRINCIPAL REGISTER

# XBOX 360

MICROSOFT CORPORATION (WASHINGTON  
CORPORATION)  
ONE MICROSOFT WAY  
REDMOND, WA 980526399

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: PUBLICATIONS, NAMELY, STRATEGY  
GUIDES, USER MANUALS, AND MAGAZINES  
ALL IN THE FIELD OF COMPUTER GAMES,  
SCIENCE FICTION, GAMES AND ENTERTAIN-  
MENT; PENS, NOTEBOOKS, IN CLASS 16 (U.S.  
CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

OWNER OF U.S. REG. NOS. 2,776,769 AND  
2,817,709.

SN 78-978,669, FILED 5-12-2005.

FIRST USE 12-0-2006; IN COMMERCE 12-0-2006.

JASON ROTH, EXAMINING ATTORNEY